

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ALVIN MAXWELL,

Defendant.

21-CR-247-04 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Sentencing of defendant Alvin Maxwell is scheduled for Monday, December 5, 2022, at 2:15 p.m. The Court yesterday received the attached letter from Peter Brill, Esq., stating that, based on a letter Mr. Brill has received, a conflict has arisen between Mr. Maxwell and Mr. Brill that in Mr. Brill's view requires a substitution of counsel. Mr. Brill proposes that a telephonic conference be held to take up this issue. That request is **DENIED**. The Court will take up this issue at the start of the sentencing hearing on Monday, December 5, 2022, which will be held in person and for which the presence in person of both Mr. Brill and Mr. Maxwell is required. In the event that the Court determines that a substitution of counsel is in order, the Court will arrange for a such substitution. In the event the Court determines that a substitution of counsel is not required, all parties should be prepared to proceed, as scheduled, to sentencing.

The Court directs Mr. Brill urgently to contact Mr. Maxwell to discuss the issue(s) raised in Mr. Brill's letter.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: December 1, 2022
New York, New York

EXHIBIT A

November 30, 2022

Via ECF

Hon. Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

**Re: *USA v. Bella* (Alvin Maxwell)
21 Cr. 247**

Dear Judge Engelmayer:

I have just received a letter from Mr. Maxwell dated November 22, 2022 that was delivered to my Manhattan office in the last two days. In that letter, Mr. Maxwell expresses his belief that I have refused to use exculpatory evidence in his defense and says that he intends to sue me in New York State Supreme Court for “attorney malpractice” while offering to “settle out of court.”

Oddly, Mr. Maxwell never mentioned this letter when I sent him my sentencing memo for review or when I spoke to him on the phone this week.

I think that there can be no doubt that Mr. Maxwell has now created an unequivocal conflict between us. As such, I do not believe I should remain as his counsel. I am therefore respectfully asking the Court to schedule an immediate hearing, possibly by telephone as Mr. Maxwell lives in Texas, to address Mr. Maxwell’s ongoing representation.

Thank you for your consideration.

Respectfully submitted,



Peter E. Brill